

STATE OF NORTH CAROLINA
COUNTY OF WAKE

REPUBLICAN NATIONAL COMMITTEE
and NORTH CAROLINA REPUBLICAN
PARTY,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF
ELECTIONS; ALAN HIRSCH, JEFF
CARMON, KEVIN N. LEWIS, SIOBHAN
O'DUFFY MILLEN, and STACY EGGERS
IV, in their official capacity as Member of the
North Carolina State Board of Elections; and
KAREN BRINSON BELL, in her official
capacity as Executive Director of the North
Carolina State Board of Elections,

Defendants,

and

AFFIRMATIVE ACTION
COALITION and
DEMOCRATIC NATIONAL
COMMITTEE,

Intervenor-Defendants.

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION

NO. 24CV028888-910

**INTERVENOR-DEFENDANT
AFFIRMATIVE ACTION COALITION'S
MOTION TO DISMISS**

Intervenor-Defendant Affirmative Action Coalition, by and through its attorneys, submits the following motion to dismiss this action in its entirety. This matter is moot because there is no longer any actual, live controversy before this Court on which this Court's decision would have any practical effect. Accordingly, this Court should dismiss this case for lack of subject-matter jurisdiction under North Carolina Rule of Civil Procedure 12(b)(1), or alternatively enter judgment on the pleadings pursuant to Rule 12(c).

1. Plaintiffs Republican National Committee and the North Carolina Republican Party brought this action on September 12, 2024. Their complaint asked this Court to declare that the North Carolina State Board of Elections (“State Board”) violated North Carolina law in approving the University of North Carolina-Chapel Hill’s (“UNC”) application for the use of its UNC mobile One Card—the digital, default official university identification—as a valid voter identification in the 2024 general election. Plaintiffs simultaneously moved for a temporary restraining order, which this Court denied in an order issued on September 20, 2024.

2. Later that day, Plaintiffs filed an appeal with the North Carolina Court of Appeals and subsequently filed a petition for a writ of supersedeas. The Court of Appeals allowed the petition on September 27, 2024, and enjoined the State Board from accepting the UNC mobile One Card for the purpose of casting a ballot in the 2024 general election. As a result, the UNC mobile One Card was not used by any voter in the 2024 general election.

3. On January 9, 2025, Plaintiffs filed a motion to dismiss their appeal with the consent of all parties, stating that “[n]ow that all votes have been cast in the 2024 general election, this appeal is no longer necessary.” The Court of Appeals allowed the motion and dismissed the appeal that same day. Since then, Plaintiffs have taken no action to move this matter forward in this Court.

4. In addition, two other developments have taken place, which demonstrate that this matter is moot. *First*, all State Board approvals for the use of student and employee IDs for the 2024 election cycle expired on December 31, 2024, including for the UNC mobile One Card. *See* N.C.G.S. §§ 163-166.17(b) (student identification cards); 163-166.18(b) (employee identification cards). *Second*, the time period for institutions to submit applications for approval of student or employee IDs for use as a form of voter identification for the 2025–26 election cycle ended on

April 1, 2025, and the State Board has not approved any digital forms of identification for the current cycle. *See State Board Approves IDs for Use in 2025 and 2026 Elections*, N.C. State Bd. of Elections (Apr. 24, 2025), <https://perma.cc/D3F9-535C>; *Student and Public Employee IDs Approved for Voting*, N.C. State Bd. of Elections, <https://perma.cc/9Q94-DG6N> (last visited June 20, 2025).

5. As a result, there is no actual, live controversy before this Court on which this Court's decision would have any practical effect, and this action should therefore be dismissed.

* * *

For these reasons, Intervenor-Defendant Affirmative Action Coalition respectfully requests that this Court dismiss this matter for lack of subject-matter jurisdiction under North Carolina Rule of Civil Procedure 12(b)(1), or alternatively enter judgment on the pleadings pursuant to Rule 12(c).

Dated: June 20, 2025

Respectfully submitted,

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* Motions for *pro hac vice* admission pending

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Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he served a copy of the foregoing document in the above-captioned matter on counsel for all parties by electronic mail at:

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This the 20th day of June, 2025.

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